

GLENNS OFFICE U.S. DIST. COURT
AT ROANOKE, VA
FILED

UNITED STATES DISTRICT COURT

for the

Western District of Virginia

United States of America

v.

Christopher Allen HAYTH

)

Case No.

7:16-MJ-81

JUN 24 2016
BY: JULIA C. DOWNEY, CLERK
DEPUTY CLERK

Defendant(s)

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of 06/23/2016 in the county of Botetourt in the
Western District of Virginia, the defendant(s) violated:

<i>Code Section</i>	<i>Offense Description</i>
18 USC, Section 922(g)(1)	Felon in Possession of a Firearm
18 USC, Section 844(h)	Carrying an explosive during the commission of any felony

This criminal complaint is based on these facts:

See attached.

Continued on the attached sheet.

Complainant's signature

Anthony Newton, ATF Special Agent

Printed name and title

Sworn to before me and signed in my presence.

Date: June 24, 2016

Judge's signature

City and state: Roanoke, Virginia

U.S. Magistrate Judge Robert S. Ballou

Printed name and title

Affidavit

I, Anthony Newton, being duly sworn, depose and state that:

I am a Special Agent with the Bureau of Alcohol, Tobacco, Firearms, and Explosives, United States Department of Justice, and have been employed since May 17, 2015. Prior to this I was a police officer with the Roanoke County and Roanoke City Police Departments for approximately 6 years. I have graduated a Virginia Department of Criminal Justice Certified Law Enforcement Academy and I have a Bachelor's Degree in Psychology. I have conducted and participated in: numerous firearms, narcotics, and violent crime related investigations; arrested large numbers of criminal offenders; and have applied for, and executed, numerous state issued search and arrest warrants.

I am a graduate of the Federal Law Enforcement Training Center's Criminal Investigator Training Program and also the ATF National Academy's Special Agent Basic Training Program. As a result of my training and law enforcement experience, and interviews I have had with ATF Senior Special Agent William Cunningham, I am familiar with Federal criminal laws and know that it is a violation of:

Title 18 USC, Section 844 (h) that whoever carries an explosive during the commission of any felony which may be prosecuted in a court of the United States.

Title 18 USC, Section 922 (g)(1), possession of a firearm by a prohibited person.

The following information is provided in support of an Application and Affidavit for an Arrest Warrant for the person of Christopher Allen HAYTH, date of birth [REDACTED]/1985, who is alleged to have possessed an explosive device during the commission of a felony and possession of a firearm by a prohibited person.:

1. On Thursday June 22, 2016 ATF S/A's Nicholas Davis, Michael Cilento, Anthony Newton and members of the Roanoke HIDTA were conducting an illegal narcotics, firearms, and explosives investigation at the Howard Johnson located at 437 Roanoke Road in Daleville, Virginia.
2. During the course of this investigation a possible destructive device had been located inside of an orange back pack in Room #111 at the Howard Johnson. Virginia State Police (VSP) S/A Bomb Technician Mark Austin was notified and responded to the scene. During render safe procedures of the device, S/A Newton received information that a possible suspect known as "Chris", AKA "Superman", was in route to room #111 to retrieve items within the room.
3. S/A's Newton and Davis had received prior information that "Chris" was possibly driving a red motorcycle. At approximately 03:00AM, a red motorcycle was seen driving

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in the area of the Howard Johnson. A short time later, the red motorcycle was observed entering the Howard Johnson parking lot followed by a black in color SUV. Due to this, S/A's along with the Botetourt County Sheriff's Office Sergeant J. Claterbaugh and Roanoke HIDTA members stopped the motorcycle and the black SUV.

4. Christopher Allen HAYTH (white male, DOB [REDACTED] 1985, SSN [REDACTED] FBI # 338906CC0) was identified as the driver of the red motorcycle (it was also noted that the motorcycle displayed a "Superman" emblem). S/A Cilento initiated conversation with HAYTH and asked HAYTH if he had any weapons on his person. During this conversation, HAYTH stated that he had "fireworks" inside of his jacket. S/A Cilento located two devices inside the jacket consistent with an explosive device located in room #111. The devices S/A Cilento located were oblong cylindrical objects, wrapped in aluminum foil, with an apparent fuse.
5. S/A Newton assisted in identifying the occupants of the black SUV. The black SUV was driven by Eugina CANCINO and Kevin JOHNSON was in the passenger seat. While detaining JOHNSON on the passenger side of the vehicle, S/A Newton observed an oblong cylindrical object, wrapped in aluminum foil, with a fuse inside the passenger side door.
6. During this encounter, VSP S/A Austin rendered the device from room #111 safe. VSP S/A Austin examined the devices located on HAYTH's person and the black SUV, and identified the devices as suspected improvised explosive devices. The devices were determined to contain "mortars" and identified as illegal fireworks in the Commonwealth of Virginia by VSP S/A Austin. The "mortars" were wrapped in aluminum foil and also contained silver metallic metal ball bearings (shrapnel).
7. Upon a further search of room #111 by S/A Cilento, a Glock, model 17, 9mm semi-automatic pistol, with an obliterated serial number and a Master Piece Arms, Mac 10, .45 caliber semi-automatic pistol, bearing S/N A1408 were located under the mattress. Displayed on the handle of the Glock Model 17 was a blue in color "Superman" wrist band. S/A Cilento also located 9mm ammunition in an orange book bag on the bed.
8. At approximately 0330 hours, HAYTH was read his Miranda Rights via a pre-printed card by S/A Newton, which was witnessed by S/A Cilento. HAYTH stated he understood his rights, knowingly waived them, and agreed to speak with S/A Newton. HAYTH stated that himself, with the assistance of others, manufactured the suspected destructive device recovered in the room while they were playing around in the woods. HAYTH stated that all four devices were made the prior day (06/22/2016). However, HAYTH was unsure where the suspected aluminum destructive devices were manufactured due to him being under the influence of narcotics at the time.

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9. HAYTH stated the device located in room #111 contained an "M80" style firework and was surrounded by air soft pellets (plastic BB's). HAYTH stated those items were wrapped in gauze, rubber bands, and tape. HAYTH stated the other devices contained a "mortar", metal "7.77mm BB's", and were wrapped in aluminum foil. HAYTH stated on a previous occasion, he had detonated one or two devices on private property in Buchanan, VA. HAYTH further stated that himself and a group of friends were playing "hot potato" with the device and when it detonated, the device "hurt"; HAYTH stated this device contained air soft pellets.
10. HAYTH stated that he frequently carries large amounts of cash when he is around drug traffickers. HAYTH knows these drug traffickers to carry firearms and HAYTH stated he carries the suspected destructive devices for protection in case he ever gets robbed.
11. HAYTH stated the orange book bag located in room #111 belonged to him and that the ammunition inside the bag was there from shooting firearms the previous day. HAYTH stated that himself and others had been shooting firearms and fired a .410 shotgun, 30-06 rifle, 12 gauge shotgun, a "Glock", and another black handgun. HAYTH stated he had also fired the recovered Glock 17 and had intentions of purchasing the handgun from a drug trafficker for \$425.00. HAYTH further stated he had previously glued the "Superman" wrist band on the Glock 17 himself. HAYTH stated that room #111 belonged to another person and that his source of narcotics (methamphetamine) had instructed him to put "stuff" into room #111.
12. HAYTH stated he is a distributor of crystal methamphetamine (ice) and that he distributes small amounts of ice. HAYTH stated he has been purchasing a ¼ (one quarter) ounce of ice from a known local drug trafficker once a week for the past four months. HAYTH further stated that he is a "courier" for this local drug trafficker and transports methamphetamine on behalf this drug trafficker.
13. The driver of the black SUV, Eugina CANCINO, stated to HIDTA Detective J. Flippin that prior to driving to the Howard Johnson, she was with HAYTH at his residence. While at the residence, CANCINO stated that HAYTH handed her "dope" and asked her to "hold" the "dope" along with his cell phone. Inside of CANCINO's purse, Detective Flippin located a baggie containing suspected heroin, methamphetamine, and various pills. CANCINO identified those items as the "dope" that HAYTH had asked her to "hold". One of the heroin baggies was stamped "Superman". HAYTH's cell phone was recovered inside of the black SUV by Detective Flippin.

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14. Both the suspected heroin and methamphetamine were field tested by S/A Newton. The suspected heroin showed an initial reaction for the presence of heroin and the methamphetamine showed an initial reaction for the presence of methamphetamine.
15. HAYTH stated he "flashes a lot of stuff" to people with a majority of these items being fake. HAYTH described himself as an "addict that turned into something else". HAYTH stated there were more "mortars" and "fireworks" at his residence located at [REDACTED] [REDACTED] in Roanoke City. HAYTH further stated there were baggies, digital scales, baggies packaged with salt (described as fake ice), and more ammunition at the same residence.
16. HAYTH stated he is a felon. A query of HAYTH'S NCIC records revealed that has a 6/05/2015 felony conviction for Grand Larceny. A preliminary records check of the National Firearms Registration and Transfer Record (NFRTR) revealed that none of the recovered suspected National Firearms Act (NFA) weapons (destructive devices) were registered to HAYTH. Furthermore, there were no observable serial numbers on any of the recovered devices.
17. ATF Special Agent Bomb Technician (SABT) Kirk Dennis stated that based on the description of the suspected homemade explosive devices, his training and experience leads him to believe that said devices are suspected destructive devices as the term is defined in Title 26 United States Code, Section 5845 (f).
18. ATF S/A Cilento, who is a firearms nexus expert, determined that the Glock, model 17, 9mm semi-automatic pistol, with an obliterated serial number is not manufactured in the Commonwealth of Virginia, and therefore has traveled to the Commonwealth of Virginia via interstate commerce.

Based on my knowledge, training, and experience, the following information set forth in this Affidavit constitutes supportive evidence that:

Christopher Allen HAYTH, did possess a firearm as a prohibited person and did carry an explosive during the commission of any felony

That the aforementioned violations took place in the City of Roanoke and the County of Botetourt, in the Western District of Virginia.



Anthony Newton
Special Agent, ATF-Roanoke

Sworn to and subscribed to
This 24th day of June, 2016.



Robert S. Ballou
United States Magistrate Judge